



May 25, 2016

Chairman Tom Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly

Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Chairman Wheeler and fellow Commissioners:

We write to echo concerns of the National Association for the Advancement of Colored People and others about the incomplete and confusing privacy regulations you are currently considering.

People of color and low income consumers face particular risks to their privacy from companies that offer free or low cost services that actually come at the cost of giving up control of personal data. Webmail, Internet videos, social media, and other firms, and even devices like open-source smartphones, all track and use enormous volumes of sensitive data. And we must be ever vigilant that the analytic benefits of "Big Data" are not corrupted into an excuse to deny equal opportunities online to people of color or anyone else.

Unfortunately, the proposed rules under consideration by the Commission would offer only scattershot and inconsistent protection online and fail to address many of the most significant users and collectors of data. By focusing regulation on only one class of Internet companies – and those with relatively innocuous practices and uses of consumer data – these rules will only distort developing markets and offer a false sense of privacy security online.

We question how privacy rules can protect people of color from online discrimination and abuse of their data if they do not reach the services and applications most commonly used online. All Americans deserve consistent and evenhanded protection of the data everywhere they go online. And omitting these pervasive and omnipresent companies and services seems to render any protection we get in other areas illusory.

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We agree with your basic perspective that privacy regulations should allow consumers to control whether and when their data is used. But the regulations you have proposed unduly complicate that process and ultimately undermine consumers by subjecting them to different standards

and methods of control depending on what websites they visit or applications they use. That does not empower consumers, it obstructs them.

Harmonizing existing privacy rules to give consumers choice and encourage innovation and affordable products and services online requires a far more thoughtful and comprehensive approach than the Commission has taken so far.

It requires input from other agencies and coordination with all regulators so that one set of efficient and effective rules can be established. That is the only way to balance all the relevant interests and set a uniform policy for all our data end to end, everywhere we go online.

And it is the only way to ensure that we do not end up with incomplete regulations that impose inconstant obligations on just some players in the Internet economy, distorting markets and moving consumers even further away from genuine control over their lives online.

Sincerely,



Maryland State Senator
President of the National Black Caucus of State Legislators